

84-12

31229

Stankovich #2

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8 UNITED STATES
9 ENVIRONMENTAL PROTECTION AGENCY
10 REGION 9

11 In the Matter of) ORDER
12 INMONT CORPORATION) Docket No. 84-12
13 Respondent.)
14 Proceeding Under Section)
15 106(a) of the Comprehensive)
16 Environmental Response,)
Compensation and Liability Act)
of 1980 (42 U.S.C. §9606(a)))

17 I

18 JURISDICTION

19 The following Order is issued on this date to the
20 Inmont Corporation ("Respondent") pursuant to the authority
21 vested in the President of the United States by §106(a) of the
22 Comprehensive Environmental Response, Compensation, and Liability
23 Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq., delegated to the
24 Administrator of the United States Environmental Protection
25 Agency (EPA) by Executive Order Number 12316 (August 20, 1981, 46
26 FR 42237), and redelegated to the Regional Administrator, EPA,
27 Region 9. Notice of the issuance of this Order has been given to
28 the State of California.

II

FINDINGS OF FACT

1. Respondent is the generator of hazardous waste disposed of at a property located at 12601 Bloomfield Ave., Santa Fe Springs, California ("facility"). The facility is approximately .33 acres in size. The ground surface is paved within the facility. A chain-link fence extends around the perimeter of the facility. Immediately adjacent to the facility is a gasoline station. Within 1,000 feet of the facility is a motel and a restaurant.
2. The facility is a facility as defined by CERCLA §101(9), 42 U.S.C. 9601(9).
3. The operator of the facility, Frank J. Stankevich Sr., has stated that all or most of the materials on the site were generated by the Inmont Corporation. This statement has been confirmed by EPA observations.
4. On May 25, 1984, Chris Vais and Bill Lewis of the EPA Emergency Response Section, inspected the facility. They made the following observations:
 - A. About 300 fifty-five gallon drums are stored on the ground and on flatbed trucks. About 60% of the drums are empty or contain solids. The remaining 40% contain liquids classified as paint, paint wastes and waste oil. The drums are heavily rusted and densely packed, thereby obstructing any labelling and presenting the threat of release of hazardous substances.
 - B. 300 five-gallon pails containing paint are heavily corroded and in seriously deteriorated condition.

- 1 C. Two 2500-gallon vacuum trucks, approximately 60-80%
2 full, are parked on the site. One truck is filled with
3 white paint sludge, the other contains waste oil.
4 D. One 2500-gallon tank, about 20% full of unknown sludges,
5 is located on the site.
6 E. 19 samples were collected from drums containing liquid.
7 The flammability of each sample was assessed on site.
8 Five of the samples were found to be highly flammable
9 compounds. The headspace gas was analyzed for volatile
10 organic compounds. Of the 19 samples analyzed, the
11 following organic compounds were found in the concen-
12 trations noted:

| | | |
|----|-------------------------|------------|
| 13 | n-butyl mercaptan | 130 ppm |
| 14 | benzene | 480 ppm |
| 15 | p-xylene | 490 ppm |
| 16 | 1,1,1-trichlorethane | 250 ppm |
| 17 | acetone | 2,300 ppm |
| 18 | methyl ethyl ketone | 20,300 ppm |
| 19 | ethyl acetate | 825 ppm |
| 20 | toluene | 1,200 ppm |
| 21 | 1,1,1-trichloroethylene | 250 ppm |
| 22 | methanol | 260 ppm |
| 23 | tetrahydrofuran | 930 ppm |

24 These organic compounds are "hazardous substances" as defined
25 in §101(14) of CERCLA.

- 26 6. Current storage conditions violate the requirement of 40 CFR
27 265.175 in that there must be 50 feet of clearance between

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the storage of containers of hazardous waste and the property boundary.

7. A threat to human health and the environment exists in the event of a fire and explosion at the facility, in that:
- A. The emission of toxic by-products of combustion is highly likely as a result of a fire or explosion;
 - B. Debris propelled from the facility due to an explosion would increase the likelihood of direct contact with the public; and
 - C. Large volumes of contaminated runoff can be expected to escape from the facility during fire-fighting activities.

III

DETERMINATION

Based upon the foregoing Findings of Fact, the Regional Administrator has determined that hazardous substances are stored at the facility and that the release or threat of release of such substances from the facility may present an imminent and substantial endangerment to the public health or welfare or the environment. The initiation of immediate removal action will prevent or mitigate immediate and significant risk of harm to human life or health or the environment.

The Regional Administrator has further determined that Respondent is a generator responsible for conducting the actions ordered herein, which are necessary to abate the endangerment to public health and the environment.

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IV

ORDER

Based upon the foregoing Determination and Findings of Fact, Respondent is ordered and directed, pursuant to §106(a) of CERCLA, 42 U.S.C. §9606 et seq., to (I) prepare and submit to EPA for approval a written proposal ("Proposal") for the removal and disposal of all hazardous substances in the facility and (II) implement the Proposal after receiving EPA approval of same. The Proposal shall include the following:

1. A plan to remove all hazardous substances from the facility.
2. A plan for the sampling and analysis of hazardous substances to satisfy any requirements for transporting or disposing of same from the site. The plan shall include provisions for the legal transport to and disposal of all hazardous substances in an authorized hazardous waste disposal facility in accordance with all Federal, State, and local regulations.
3. A site safety plan.
4. A plan for taking representative samples of hazardous substances at the facility to be provided to EPA. The location, number and types of samples and analyses to be taken will be specified by EPA.
5. All samples shall be collected, preserved, packaged, shipped, handled, and prepared for analysis according to the protocols specified by the EPA On-Scene Coordinator. All sample handling shall be performed according to the chain of custody procedures described in Appendix A of

1 this Order. All samples analyzed pursuant to this Order
2 shall be analyzed according to EPA-approved analytical
3 methods.

4 6. A schedule for the implementation of the Proposal.

5 The schedule shall provide for total cleanup of the
6 facility within 14 days of approval of the Proposal.

7 Respondent shall make oral communication with EPA within 48
8 hours of receipt of this Order regarding the Respondent's
9 intentions. A written notification must be submitted subsequent
10 to the telephone conversation. Respondent shall submit the
11 Proposal and provide for receipt of same by EPA at the address
12 listed below within 24 hours after the oral communication if a
13 positive response is made by the Respondent. Proposal shall be
14 submitted to the contact person named in the Order.

15 Respondent shall assume full responsibility for any claims
16 arising from the activities conducted by Respondent or his rep-
17 resentatives or consultants in connection with this Order.

18 Respondent shall provide access to the site for EPA employees,
19 contractors, or consultants at all reasonable times and shall
20 permit such persons to be present and move freely in the area
21 where any work is being conducted pursuant to this Order.

22 EPA shall designate an On-Scene Coordinator (OSC) who shall
23 have the authority vested by 40 CFR §300 et seq., published at
24 47 FR Part 31180 (July 16, 1982).

25 V

26 OPPORTUNITY TO CONFER--EFFECTIVE DATE

27 Under the provisions of CERCLA, Respondent may request a
28 conference to be held at any time before submittal of the Proposal

1 to discuss the Order, its applicability, the correctness of any
2 factual determinations upon which the Order is based, the
3 appropriateness of any action which Respondent is ordered to
4 take, and any other relevant or material issue. Such request
5 may be made orally, but must be confirmed in writing. At any
6 conference held pursuant to Respondent's request, Respondent may
7 appear in person, with counsel or other representatives for the
8 purpose of presenting any objections, defenses or contentions
9 which Respondent may have regarding this Order.

10 This Order is effective immediately upon receipt of same
11 by Respondent.

12 LIABILITY

13 If the OSC determines that Respondent is not complying
14 with the terms of this Order, or that Respondent is not
15 proceeding with work in a timely manner, or that Respondent's
16 activities pose an imminent and substantial endangerment to
17 the public health or welfare or the environment, the OSC may
18 halt Respondent's activities and initiate a federal cleanup
19 of the facility. Respondents may then be ordered to reimburse
20 EPA for the costs of such activity pursuant to §107(c) of
21 CERCLA, 42 U.S.C. 9607(c).

22 You are advised that willful violation or failure or
23 refusal to comply with this Order, or any portion hereof, may
24 subject you to civil penalty of not more than \$5,000.00 for
25 each day in which violation occurs or such failure to comply
26 continues in accordance with §106(b) of CERCLA, 42 U.S.C. 9606(b).
27 Failure to comply with this Order, or any portion hereof, without
28 sufficient cause, may also subject you to liability for punitive

1 punitive damages in the amount of three times the total of
2 all costs incurred by the government as a result of your
3 failure to take proper action in accordance with §107(c) of
4 CERCLA, 42 U.S.C. 9607(c).

5 It is so ordered on this 21 day of JUNE, 1984.

6 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
7

8 BY: John Wine

9
10 for JUDITH E. AYRES
11 REGIONAL ADMINISTRATOR, Region 9

12
13 Contact person:

14 Eric N. Koglin (T-4-2)
15 Environmental Protection Agency
16 215 Fremont Street
17 San Francisco, California 94105
18 Telephone: (415) 974-8919

19 After hours call the Duty Officer:
20 (415) 974-8131
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